

**NURSING HOME ADMINISTRATOR EXAMINING BOARD
MINUTES
December 8, 2005**

- PRESENT:** Jerry Schallock, Mary Ann Clark, Mary F. Pike, Mary K. Lease, David Egan, Loreli Dickinson, Patricia Schulz, and Dr. Susan Kinast-Porter (arrived at 10:05 a.m.)
- EXCUSED:** Kenneth Arneson and Paul Peshek
- STAFF PRESENT:** Tim Wellnitz, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Eric Callisto, Division Administrator, Division of Enforcement; Darwin Tichenor, Exam Specialist; Pat Schenck, Bureau Assistant; and Division of Enforcement Staff

CALL TO ORDER

Jerry Schallock, Chair, called the meeting to order at 9:35 a.m. A quorum of seven members was present. A quorum of eight members was present at 10:05 a.m.

AGENDA

- MOTION:** David Egan moved, seconded by Mary Ann Clark, to approve the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES SEPTEMBER 8, 2005

- MOTION:** David Egan moved, seconded by Loreli Dickinson, to approve the minutes of September 8, 2005 as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT
TIM WELLNITZ, BUREAU DIRECTOR**

Mr. Wellnitz reiterated the Department's policy regarding the toll free 800 number for Board members only.

The Division of Enforcement has set a deadline of July 14, 2006 to file or resolve all 2003 cases.

Hotel Reservations 2006

Mr. Wellnitz reported on the Department's new hotel policy for 2006. The Department has selected the Comfort Inn & Suites at 4822 E. Washington Ave. in Madison for all future hotel reservations in 2006.

**SUMMARY REPORTS ON PENDING COURT CASES, DISCIPLINARY CASES AND
ADMINISTRATIVE RULES AND PRESS RELEASES**

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Noted.

PRESENTATION OF PROPOSED STIPULATIONS BY DIVISION OF ENFORCEMENT

There were no presentations given by the Division of Enforcement for the following stipulations.

1. Gary G. VandenHouten 02 NHA 034, 03 NHA 009 and 03 NHA 014

TRAVEL

NAB 2006 Annual Meeting, June 7-9, 2006, San Diego, CA

MOTION: Jerry Schallock moved, seconded by Patricia Schulz, to nominate David Egan to represent the Nursing Home Administrator's Examining Board at NAB's 2006 Annual Meeting on June 7-9, 2006 in San Diego, CA. Motion carried unanimously.

LEGISLATIVE/ADMINISTRATIVE RULES UPDATE

Consideration and Approval of Draft of Proposed Administrative Rules Relating to Continuing Education Requirements

The Board reviewed the draft of proposed administrative rules relating to continuing education requirements and the proposed changes to the draft of the rules dated November 15, 2005.

MOTION: Jerry Schallock moved, seconded by Patricia Schulz, to nominate David Egan to respond to questions or concerns relating to changes in the final draft of the administrative rules prior to scheduling for a public hearing. Motion carried unanimously.

MOTION: David Egan moved, seconded by Mary Ann Clark, to approve the amended draft of the proposed administrative rules with the amendment as outlined in Ruby Jefferson-Moore's December 8, 2005 memo and to request that the draft be forwarded for scheduling of a public hearing. Motion carried unanimously.

The Department may schedule a public hearing on March 16, 2006.

Consideration and Approval of Draft of Proposed Revisions to Ch. 456, Wis. Stat.

Ms. Jefferson-Moore updated the Board on the draft of the proposed revisions to Ch. 456, Wis. Stat. in Assembly Bill 32.

MOTION: Susan Kinast-Porter moved, seconded by Mary Lease, to approve Assembly Bill 32 with Assembly Amendment 1, proposed revisions to Ch. 456, Wis. Stat. Motion carried unanimously.

MOTION: Patricia Schulz moved, seconded by David Egan, to authorize Jerry Schallock to represent the Nursing Home Administrator Examining Board regarding Assembly Bill 32, proposed revisions to Ch. 456. Wis. Stats. Motion carried unanimously.

Tim Wellnitz will convey the Board's support of AB 32 with Amendment 1 to Representative Wasserman's office.

Update and Discussion on Senate Bill 312

Mr. Wellnitz stated that Senate Bill 312 passed the State Senate on December 6, 2005.

Senate Bill 312 is an act to amend 46.277 (5) (g) of the statutes; relating to: expanding relocations from nursing homes under a community integration program to include persons who are diverted from imminent entry into nursing homes.

EXAMINATION/EDUCATION

Item Review/Report on State Examination – Darwin Tichenor

The Board reviewed and discussed this item in closed session.

ENDORSEMENT AGREEMENT

NAB NHA Licensure Endorsement Agreement and Criteria

Ms. Jefferson-Moore led the discussion on Wisconsin Nursing Home Administrator's Board entering into an NAB NHA licensure endorsement agreement. The Board reviewed NAB NHA's criteria for Endorsement and decided not to take any action at this time.

NAB

(National Association of Boards of Examiners of Long Term Care Administrators)

(FYI) Fiscal Year 2006 Proposed Budget

Informational item.

DIVISION OF ENFORCEMENT- ENFORCEMENT PRIORITIES

Eric Callisto, Division Administrator, DOE, addressed the board regarding the results of the Division of Enforcement's complaint handling priorities survey completed by the Board members.

The top three priority cases selected by the Board included engaging in or permitting staff to engage in substandard quality of care, conviction of a crime substantially related to the practice of a nursing home administrator, and falsifying patient records.

Mr. Callisto reported on the Division's current priorities, targeted cases, priority system, urgent cases, making effective use of the limited human resources, ensuring that the Division is on the same page as the Board's, and requested guidance for possible major/minor reworking of case handling process and/or affirmation of current efforts.

The Board discussed the various nursing home administrator complaints that the Department has received. Mr. Callisto will keep the Board updated on enforcement priorities.

NEW BUSINESS

None.

BOARD MEMBER ACTIVITY

None.

VISITORS COMMENTS

None.

CLOSED SESSION

MOTION: David Egan moved, seconded by Mary Lease, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b), (f) and (g), Wis. Stats.: to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person, and to discuss the case status report and case closings. Roll Call Vote: Mary K. Lease-yes; Mary Ann Clark-yes; Jerry Schallock-yes; Mary F. Pike-yes; Loreli Dickinson-yes; David Egan-yes; Susan Kinast-Porter-yes; Patricia Schulz-yes. Motion carried unanimously.

Open Session recessed at 11:20 a.m.

The Board deliberated on a proposed stipulation and consulted with legal counsel in Closed Session.

RECONVENE IN OPEN SESSION

MOTION: David Egan moved, seconded by Mary Ann Clark, to reconvene in Open Session at 11:55 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION STIPULATION

GARY G. VANDENHOUTEN – 02 NHA 034, 03 NHA 002, AND 03 NHA 014

MOTION: Susan Kinast-Porter moved, seconded by Patricia Schulz, to adopt the Final Decision and Order, Findings of Fact, Conclusions of Law, Order, and

Stipulation in the matter concerning **Gary G. VandenHouten – 02 NHA 034, 03 NHA 002, and 03 NHA 014.** Motion carried unanimously.

ADJOURNMENT

MOTION: Loreli Dickinson moved, seconded by David Egan to adjourn the meeting at 11:58 a.m. Motion carried unanimously.

NEXT MEETINGS: March 16, 2006